

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Civil Action No. 2:22-cv-00125-JRG

JURY TRIAL DEMANDED

**DECLARATION OF ELIZABETH LONG IN SUPPORT OF CHARTER'S
OPPOSITION TO ENTROPIC'S MOTION TO STRIKE
OPINIONS OF CHRISTOPHER BAKEWELL**

I, Elizabeth Long, declare:

1. I am counsel with the law firm Arnold & Porter Kaye Scholer LLP, counsel for Charter Communications, Inc. in the above captioned action. The statements made herein are of my own knowledge and, if called upon to testify thereof, I could and would do so competently.
2. Attached as **Exhibit AD** is a true and correct copy of excerpts of the August 11, 2023 Rebuttal Report Regarding Damages of W. Christopher Bakewell.
3. Attached as **Exhibit AE** is a true and correct copy of an August 21, 2023 email from Entropic counsel to Charter counsel.
4. Attached as **Exhibit AF** is a true and correct copy of excerpts of Defendant's Second Supplemental Objections And Responses To Plaintiff's Second Set Of Interrogatories (No. 6), July 17, 2023.

5. Attached as **Exhibit AG** is a true and correct copy of excerpts of July 21, 2023 Expert Report Of Dr. Kevin Almeroth Regarding Licensing And Non-Infringing Alternatives.

6. Attached as **Exhibit AH** is a true and correct copy of excerpts of the July 21, 2023 Expert Report Of Stephen E. Dell, CVA Relating To Damages.

7. Attached as **Exhibit AI** is a true and correct copy of excerpts of Defendants Charter Communications, Inc.; Spectrum Advanced Services, LLC; And Spectrum Management Holding Company, LLC's First Set Of Interrogatories To Plaintiff (Nos. 1–23), served November 22, 2022.

8. Attached as **Exhibit AJ** is a true and correct copy of excerpts of Plaintiff Entropic Communications, LLC's Second Supplemental Responses To Defendant's First Set Of Interrogatories To Plaintiff (Nos. 1, 2, 3, 6, 7, 9, 14), served July 20, 2023.

9. Attached as **Exhibit AK** is a true and correct copy of an excerpted transcript of the [REDACTED]

[REDACTED].

10. Attached as **Exhibit AL** is a true and correct copy of an excerpted transcript of the September 6, 2023 deposition of Stephen E. Dell.

11. Attached as **Exhibit AM** is a true and correct copy of excerpts of the August 11, 2023 Rebuttal Expert Report Of Dr. Kevin C. Almeroth Regarding Non-Infringement.

12. Attached as **Exhibit AN** is a true and correct copy of an excerpted transcript of the [REDACTED]

[REDACTED] [REDACTED].

13. Attached as **Exhibit AO** is a true and correct copy of excerpts of the August 29, 2023 Supplemental Expert Report Of Stephen E. Dell, CVA Relating To Damages.

14. Attached as **Exhibit AP** is a true and correct copy of an excerpted transcript of the [REDACTED]

[REDACTED].

15. Attached as **Exhibit AQ** is a true and correct copy of an excerpted transcript of the [REDACTED].

16. Attached as **Exhibit AR** is a true and correct copy of a February 10, 2023 email from Charter counsel to Entropic counsel.

17. Attached as **Exhibit AS** is a true and correct copy of a letter from Peter Soskin, Entropic counsel to Charter counsel.

18. Attached as **Exhibit AT** is a true and correct copy of the interrogatories Entropic propounded on Charter.

19. Attached as **Exhibit AU** is a true and correct copy of CHARTER_ENTROPIC00480849.

20. Attached as **Exhibit AV** is a true and correct copy of an August 11, 2023 email from Charter to Entropic.

21. In Entropic's first letter concerning document production, dated December 30, 2022, Entropic listed 51 categories of documents it believed Charter had failed to produce. (Dkt. 174, Entropic's Ex. H.) [REDACTED]

22. On the January 16, 2023 meet and confer with Entropic's counsel to discuss the scope and relevance of Entropic's document requests relating to damages, Entropic raised for the first time [REDACTED]

23. In a January 18, 2023 email, Charter's counsel summarized the follow ups from the January 16, 2023 meet and confer which included that Entropic would "provide a narrower definition that will apply to" document requests 37, 43, 47, and 48 and that Entropic would "follow up" regarding document request 51. (Dkt. 174, Ex. A to Ghavimi Decl. at 6.)

24. In a January 24, 2023 email, Entropic's counsel included [REDACTED]

25. In a January 30, 2023 email response, Charter's counsel stated [REDACTED]

[REDACTED] " in regards to document requests 37, 43, 47, 48, and 51. (*Id.* at 1.)

26. At a February 10, 2023 meet and confer, Entropic's counsel confirmed that "Entropic's request for documents related to [REDACTED] [REDACTED] (Ex. AS.)

27. Entropic did not raise the issue of Charter's deficiency of documents related to [REDACTED] [REDACTED]—with Charter since the February 10, 2023 meet and confer.

28. None of the 38 interrogatories Entropic propounded on Charter related to [REDACTED]

29. Entropic raised alleged deficiencies with Charter's document production and additional document requests on at least ten separate occasions during discovery, and none of them sought

30. [REDACTED]

[REDACTED]

[REDACTED]

31. During the preparation of Mr. Bakewell's rebuttal report, it was realized that the [REDACTED]
[REDACTED]. Charter
was produced the document on August 11, 2023. (Ex. AU; Ex. AV.)

32. Since the service of his opening report, Entropic's expert Stephen Dell served a Supplemental Report on August 29, 2023, and a Second Supplemental Expert Report on September 19, 2023.

I declare under penalty of perjury that the above is true and correct.

Dated: September 25, 2023

Respectfully submitted,

/s/ Elizabeth Long
Elizabeth Long